

MEMORANDUM

Agenda Item No. 5(A)


TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: April 5, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution authorizing the County Mayor to use Miami-Dade Water and Sewer Department Employees and equipment to design and install water pipelines for a project located within the Kendalwood Neighborhood of Miami-Dade County in an amount not to exceed \$1,771,546.03, including contingency, to be funded from \$1,600,000.00 of Building Better Communities General Obligation bond funding Project No. 17 – “Countywide water and sewer system enhancements” and the balance from funds to be provided by the State of Florida in order to fund water service to homeowners affected by contaminated private water wells

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.


Abigail Price-Williams
County Attorney

APW/lmp



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: April 19, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 5(A)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

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Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 5(A)
4-19-16

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO USE MIAMI-DADE WATER AND SEWER DEPARTMENT EMPLOYEES AND EQUIPMENT TO DESIGN AND INSTALL APPROXIMATELY 7,000 LINEAR FEET OF 8-INCH WATER PIPELINES AND 750 FEET OF 16-INCH WATER PIPELINES FOR A PROJECT BOUNDED BY SW 116 STREET TO THE NORTH, SW 120 STREET TO THE SOUTH, 84 AVENUE TO THE WEST, AND THE SOUTH MIAMI-DADE BUSWAY TO THE EAST, LOCATED WITHIN THE KENDALWOOD NEIGHBORHOOD OF MIAMI-DADE COUNTY IN AN AMOUNT NOT TO EXCEED \$1,771,546.03, INCLUDING CONTINGENCY, TO BE FUNDED FROM \$1,600,000.00 OF BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND FUNDING PROJECT NO. 17 – "COUNTYWIDE WATER AND SEWER SYSTEM ENHANCEMENTS" AND THE BALANCE FROM FUNDS TO BE PROVIDED BY THE STATE OF FLORIDA IN ORDER TO FUND WATER SERVICE TO HOMEOWNERS AFFECTED BY CONTAMINATED PRIVATE WATER WELLS; FINDING INSTALLATION OF WATER PIPELINES BY MIAMI-DADE WATER AND SEWER DEPARTMENT FORCES TO BE IN THE PUBLIC'S BEST INTEREST AND NECESSARY TO THE PUBLIC'S HEALTH, SAFETY AND WELFARE

WHEREAS, thousands of homes in Miami-Dade County continue to rely on private wells to supply water for household drinking, bathing and cooking; and

WHEREAS, most recently, Miami-Dade County residential wells within the Kendalwood Neighborhood of south Miami-Dade County have tested positive for Dieldrin, above exposure levels considered unsafe by the State Department of Health; and

WHEREAS, Dieldrin and Aldrin were commonly used as a termiticide in residential developments from approximately 1950 to 1987; and

WHEREAS, Dieldrin exposure can impact humans' nervous system, immune system, and endocrine system, and is of particular concern for pregnant women and children; and

WHEREAS, according to the US Center for Disease Control's Agency for Toxic Substances and Disease Registry, EPA banned all uses of dieldrin in 1974, except to control termites, and in 1987, EPA banned all uses, because of concerns about damage to the environment and potentially to human health; and

WHEREAS, the residents in this neighborhood are best protected from this contamination by discontinuing the use of private drinking water wells and connecting to Miami-Dade County's public water system; and

WHEREAS, specifically, currently nine homes scattered throughout the Kendalwood community exceed the health advisory level for this contamination in the area bounded by SW 116 Street to the North, SW 120 Street to the South, 84 Avenue to the West, and the South Miami-Dade Busway to the East, in the Kendalwood Neighborhood of Miami-Dade County ["Project Area"]; and

WHEREAS, the State of Florida provides limited funding to help defray the cost of extending water infrastructure to help affected homeowners connect to the public water supply system, but the funds are insufficient to cover the cost of extending the water mains to the Project Area, accounting for about 10% of the expected project cost; and

WHEREAS, this Board finds that providing potable water from the County's water system to the residents of the Project Area, which would benefit approximately 72 residences, protects the public's health, safety and welfare; and

WHEREAS, the Miami-Dade Water and Sewer Department forces have the ability to quickly design and install the necessary water pipelines in the Project Area, consisting of approximately 7,000 linear feet of 8-inch water pipelines and 750 feet of 16-inch water pipelines (“Infrastructure”), and it is therefore in the best interest of the public to use the Department’s employees and equipment for such work; and

WHEREAS, the estimated cost of designing and installing the Infrastructure in the Project Area using generally accepted cost-accounting principles that fully account for all costs associated with performing and completing the work, including employee compensation and benefits, equipment cost and maintenance, insurance costs, materials, and a ten percent (10%) contingency of \$151,421.77 for unforeseen conditions is \$1,771,546.03 (“Project Cost”); and

WHEREAS, an amount not to exceed \$1,600,000.00 of the Project Cost shall be funded from Building Better Communities General Obligation Bond Program (“Bond Program”) Project No. 17 – “Countywide Water and Sewer System Enhancements” (“Project No. 17”), which Project No. 17 has a project description that provides as follows “[c]onstruct main, pipeline and other enhancements to water delivery systems and to sewer collection systems to increase efficiency, capacity, quality of service, public health or fire protection” and an original allocation of \$222,000,000, and the balance of the Project Cost shall be funded from the State of Florida; and

WHEREAS, the Miami-Dade Water and Sewer Department has indicated that \$3,296,519 of Project No. 17 funds remain available to be used and allocated to new projects; and

WHEREAS, Section 255.20(1)(c)(9), Florida Statutes, authorizes a county to use its own services, employees and equipment to perform public improvements with an estimated cost in excess of \$300,000 upon a majority vote of the Board members, after at least twenty-one (21) days public notice, a public meeting, and a finding by a majority of the Board members present that it is in the public's best interest to perform the improvements using the county's own services, employees, and equipment; and

WHEREAS, this Board hereby finds that it is in the public's best interest that the County use its own employees and equipment, through the Miami-Dade Water and Sewer Department, to undertake the design and construction of the Infrastructure in the Project Area to allow the residents therein expeditious access to clean, potable, and contamination-free water; and

WHEREAS, as of the time of this Board's final action on this Resolution, the County Mayor or Mayor's designee has provided the public notice required by Section 255.20(1)(c)(9), Florida Statutes,

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that, pursuant to Section 255.20(1)(c)9, Florida Statutes, this Board has considered the Miami-Dade Water and Sewer Department's estimated Project Cost of \$1,771,546.03, inclusive of contingency, to undertake the design and installation of the Infrastructure in the Project Area and the accuracy of the estimated cost therefore, and finds by a majority vote of the Board members that it is necessary to the public's health, safety and welfare and in the public's best interest for Miami-Dade County, through its Water and Sewer Department, to use its own employees and equipment to design and install the Infrastructure in the

Project Area in order to expeditiously provide county water to County residents residing therein. This Board hereby authorizes the County Mayor or Mayor's designee to use Miami-Dade Water and Sewer Department employees and equipment to design and install the Infrastructure in the Project Area in accordance with this resolution, and the Project Costs shall be funded from Project No. 17 in an amount not to exceed \$1,600,000.00 and from the State of Florida for the balance of such Project Costs.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman	
Esteban L. Bovo, Jr., Vice Chairman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of April, 2016. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Monica Rizo Perez